

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|-------------------------------|---|-----------------------|
| WESTCHESTER FIRE INSURANCE |) | |
| COMPANY, as subrogee of JURYS |) | |
| DOYLE HOTEL GROUP USA, LTD. |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 05-11375-MLW |
| |) | |
| DJ PLUMBING AND HEATING, INC. |) | |
| Defendant. |) | |

ORDER

WOLF, D.J.

November 28, 2006

For the reasons stated in court on November 28, 2006, it is hereby ORDERED that:

1. The defendant's motion to dismiss (Docket No. 17) is DENIED without prejudice.
2. The parties shall, by December 21, 2006, confer either with full settlement authority or with representatives of their clients who have full settlement authority, and report whether this case has been settled.
3. If the parties have not settled this case, the plaintiff shall, by January 12, 2007, file a second amended complaint to state precisely its misrepresentation claim, and, if appropriate, add Suffolk Construction Company as a party.
4. The defendant shall, by February 2, 2007, file a renewed motion to dismiss or otherwise respond to the second amended complaint.
5. The plaintiff shall, by February 23, 2007, file an

opposition to the motion to dismiss.

6. Any reply shall be filed by March 6, 2007.

7. A hearing will be held on April 5, 2007, at 3:00 p.m.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE